

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**In re: Ethicon, Inc. Pelvic Repair System  
Products Liability Litigation**

**MDL No. 2327**

**THIS DOCUMENT RELATES TO ALL CASES**

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**APPLICATION OF BENJAMIN H. ANDERSON FOR APPOINTMENT  
TO PLAINTIFFS' STEERING COMMITTEE**

COMES NOW, Benjamin H. Anderson, and respectfully submits this Application for Appointment to the Plaintiffs' Steering Committee ("PSC"). I have reviewed the *Plaintiffs' Proposed Counsel Organizational Structure* plan filed with the court for MDLs 2325, 2326 and 2327 on March 19, 2012, and join in support of the recommendation to this Honorable Court.

I am the founding partner of Anderson Law Offices, LLC in Cleveland, Ohio. I have been a trial lawyer involved in mass tort litigation for over two decades of my career. For over a year, my firm and I have been working full time in developing the liability and scientific issues related to surgically-implanted pelvic mesh. I have personally and exclusively retained over a dozen of the top experts in the world in the fields of biomaterials science, biomechanical science, alloplastic/biologic design engineering, pathology, FDA/regulatory issues, microbiology and tissue engineering/response, urogynecology, urology, gynecology and pelvic floor pain/dysfunction. I have spent significant time, money and effort in working with these experts, who hail from major institutions all over the United States and Europe; in order to diligently pursue and develop the legal and scientific issues that are central and pertinent to ALL of the manufacturers of pelvic mesh surgical implants including, Johnson & Johnson/Ethicon, C.R. Bard, Boston Scientific and American Medical Systems. I attended the FDA Advisory

Committee hearings in September 2011 in Maryland relating to the increasing number of complications associated with these pelvic mesh products. I have also attended and spoken at a number of mesh-related conferences (attended by counsel representing both plaintiffs and defendants) over the past eight months. I have spent countless hours of research in accumulating a virtual library of over 50 years of world-wide, peer-reviewed literature and treatises in the areas of mesh design and engineering, general science and anatomical dysfunction, epidemiology, and biomaterials/biomechanical science relating to hernia and pelvic mesh, and I have had dozens of phone conferences and in-person meetings with plaintiffs' counsel from all over the United States in coordinating this complex, multi-faceted and extremely significant litigation. My firm represents well over 1,000 women who have been injured by permanently implanted pelvic mesh, and the number continues to grow every day. These individual clients reside throughout the country and many of their claims will be directly affected by the proceedings before this Honorable Court. I am currently co-counsel in the case of *Barbara Dykes v. Ethicon, Inc., et al.*, N.D. Florida, C.A. No. 3:11-cv-564.

Further, I am counsel in the New Jersey state court litigation, pending before the Honorable Judge Carol Higbee in Atlantic County New Jersey, against Johnson & Johnson/Ethicon where my firm represents numerous clients on filed claims in that venue. My firm is currently very active in that litigation reviewing tens of thousands of pages of corporate documents, preparing for and taking depositions of key defense technical and science witnesses, coordinating with lead and liaison counsel in various aspects of the litigation and preparing the submissions of a plethora of expert witness reports across all fields of science and medicine to be filed in the next 60 days. Thereafter, I will be taking and defending expert witness depositions and preparing for a trial that is currently scheduled in early November of this year.

Needless to say, I have a significant interest in participating in these consolidated proceedings as a member of the Plaintiffs' Steering Committee. Further, my experience in handling pharmaceutical and medical device claims and other mass tort and class action litigations qualify me to not only serve on the PSC in this matter, but also to be the Chair or Co-Chair of the Science and Expert Committee.

By way of more general background, I graduated from Vanderbilt University in 1987 and Pepperdine University School of Law in 1990. I have tried dozens of cases to verdict and successfully settled thousands of medical malpractice, pharmaceutical, medical device and other general injury cases over my 20+ year career. I have extensive experience handling complex class action and mass tort litigation. I have been appointed to numerous steering, discovery, and science committees, as well as serving as national co-lead counsel and having successfully represented over 10,000 multi-district litigation (MDL) plaintiffs in the following MDLs:

- *In re: Telectronics Pacing Systems, Inc., MDL-1057;*
- *In re: Diet Pill ("Fen-Phen"), MDL-1203;*
- *In re: Sulzer Hip, MDL-1401;*
- *In re: Crown Victoria Fuel-Fed Fire, MDL-1488;*
- *In re: Vioxx, MDL-1657;*
- *In re: Education Testing Systems (ETS) litigation, MDL-1643;*
- *In re: Oral Sodium Phosphate Solution-Based Products Liability Action, MDL-2066;*
- *In re: Gadolinium-Based Contrast Agents; MDL-1909;*
- *In re: Avandia, MDL-1871*

In the Avandia litigation, I was lead trial counsel of the first defense trial pick in Trial Pool One, but successfully resolved thousands of my cases on the eve of that trial. I am admitted to practice before all of the state and U.S. District Courts of California and Ohio. I am an active member of the American Association for Justice and have served on the Board of Trustees for the Ohio Association for Justice (the largest organization of trial lawyers in the State of Ohio) for the last five years. I have been an invited lecturer at attorney education and association conferences throughout the United States in the areas of medical malpractice and mass torts, as well as taught trial skills to numerous attorneys attending NITA conferences. I am also an active member of the Cuyahoga County Municipal Bar Association and the Ohio State Bar Association.

My law firm has distinguished itself as being particularly well-suited for helping clients involved in pharmaceutical and medical device cases. We have the resources and the experience necessary to handle protracted, complex, mass tort litigation on behalf of thousands of clients in an aggressive, professional and competent manner. It would be my distinct honor to represent my firm before Your Honor as a member of the Plaintiffs' Steering Committee in this litigation.

For the reasons stated above, I respectfully request that Your Honor appoint me to serve on the Plaintiffs' Steering Committee of In re: Ethicon, Inc., Pelvic Support Systems Products Liability Litigation, MDL No. 2327.

Dated this 23<sup>rd</sup> day of March, 2012.

/s/Benjamin H. Anderson

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